

**THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

HOLTEC INTERNATIONAL,  
HOLTEC INDIAN POINT 2, LLC,  
HOLTEC INDIAN POINT 3, LLC and  
HOLTEC DECOMMISSIONING  
INTERNATIONAL, LLC,

Plaintiffs,

– against –

THE STATE OF NEW YORK,

Defendant.

Case No. 7:24-cv-02929-KMK

ORAL ARGUMENT REQUESTED

**PLAINTIFFS' NOTICE OF MOTION FOR SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law; the accompanying Local Civil Rule 56.1 Statement of Undisputed Material Facts; the declaration of Frank Spagnuolo, dated October 7, 2024, and the exhibits attached thereto; and the declaration of James M. Catterson, dated October 7, 2024, and the exhibits attached thereto, Plaintiffs Holtec International, Holtec Indian Point 2, LLC, Holtec Indian Point 3, LLC, and Holtec Decommissioning International, LLC, (collectively, "Plaintiffs") through their undersigned attorneys, will move this Court pursuant to Federal Rule of Civil Procedure 56, before the Honorable Kenneth M. Karas, United States District Judge for the Southern District of New York, at the United States Courthouse, 300 Quarropas Street, White Plains, New York 10601-4150, on a date and at a time designated by the Court, for an order:

(a) granting summary judgment in favor of Plaintiffs on Count One of the Complaint,

(Dkt. No. 1);

(b) declaring that New York State Environmental Conservation Law § 30-0103 (eff. Aug.

18, 2023) is preempted by federal law and unconstitutional pursuant to the  
Supremacy Clause of the U.S. Constitution and 28 U.S.C. § 2201;

- (c) granting summary judgment dismissing Count One of Defendant's Amended Answer,  
(Dkt. No. 23); and
- (d) awarding such other and further relief that this Court may deem just and proper.

Dated: New York, New York  
October 7, 2024

Of Counsel:

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Respectfully submitted,

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